

1 BILL LOCKYER, Attorney General  
of the State of California  
2 STEPHEN M. BOREMAN, State Bar No. 161498  
Deputy Attorney General  
California Department of Justice  
3 1300 I Street, Suite 125  
P.O. Box 944255  
4 Sacramento, CA 94244-2550  
Telephone: (916) 445-8383  
5 Facsimile: (916) 327-2247

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against: Case No. 1D 2002 63061

11 VICTORIA KNOPPER, PT  
12 10200 Willow Way  
Pasco, CA 99301

**A C C U S A T I O N**

13 Physical Therapist License No. PT 11835

14 Respondent.  
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17 Complainant alleges:

18 **PARTIES**

19 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his  
20 official capacity as the Executive Officer of the Physical Therapy Board of California,  
21 Department of Consumer Affairs.

22 2. On or about January 3, 1984, the Physical Therapy Board of California  
23 issued Physical Therapist License Number PT 11835 to Victoria Knopper, PT (Respondent).  
24 The Physical Therapist License expired on March 31, 2003, and has not been renewed.

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1 provision or term of this chapter or of the State Medical Practice Act.

2 (j) The aiding or abetting of any person to violate this chapter or any  
3 regulations duly adopted under this chapter.

4 (k) The aiding or abetting of any person to engage in the unlawful  
5 practice of physical therapy.

6 (l) The commission of any fraudulent, dishonest, or corrupt act which is  
7 substantially related to the qualifications, functions, or duties of a physical  
8 therapist.

9 (m) Except for good cause, the knowing failure to protect patients by  
10 failing to follow infection control guidelines of the board, thereby risking  
11 transmission of blood-borne infectious diseases from licensee to patient, from  
12 patient to patient, and from patient to licensee. In administering this subdivision,  
13 the board shall consider referencing the standards, regulations, and guidelines of  
14 the State Department of Health Services developed pursuant to Section 1250.11  
15 of the Health and Safety Code and the standards, regulations, and guidelines  
16 pursuant to the California Occupational Safety and Health Act of 1973 (Part 1  
17 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing  
18 the transmission of HIV, Hepatitis B, and other blood-borne pathogens in health  
19 care settings. As necessary, the board shall consult with the Medical Board of  
20 California, the California Board of Podiatric Medicine, the Board of Dental  
21 Examiners of California, the Board of Registered Nursing, and the Board of  
22 Vocational Nursing and Psychiatric Technicians, to encourage appropriate  
23 consistency in the implementation of this subdivision. The board shall seek to  
24 ensure that licensees are informed of the responsibility of licensees and others to  
25 follow infection control guidelines, and of the most recent scientifically  
26 recognized safeguards for minimizing the risk of transmission of blood-borne

1 infectious diseases.

2 6. Section 2661.5 of the Code states:

3 (a) In any order issued in resolution of a disciplinary proceeding before  
4 the board, the board may request the administrative law judge to direct any  
5 licensee found guilty of unprofessional conduct to pay to the board a sum not to  
6 exceed the actual and reasonable costs of the investigation and prosecution of the  
7 case.

8 (b) The costs to be assessed shall be fixed by the administrative law judge  
9 and shall not in any event be increased by the board. When the board does not  
10 adopt a proposed decision and remands the case to an administrative law judge,  
11 the administrative law judge shall not increase the amount of the assessed costs  
12 specified in the proposed decision.

13 (c) When the payment directed in an order for payment of costs is not  
14 made by the licensee, the board may enforce the order of payment by bringing an  
15 action in any appropriate court. This right of enforcement shall be in addition to  
16 any other rights the board may have as to any licensee directed to pay costs.

17 (d) In any judicial action for the recovery of costs, proof of the board's  
18 decision shall be conclusive proof of the validity of the order of payment and the  
19 terms for payment.


20 (e) (1) Except as provided in paragraph (2), the board shall not renew  
21 or reinstate the license or approval of any person who has failed to pay all  
22 of the costs ordered under this section.

23 (2) Notwithstanding paragraph (1), the board may, in its  
24 discretion, conditionally renew or reinstate for a maximum of one year the  
25 license or approval of any person who demonstrates financial hardship and  
26 who enters into a formal agreement with the board to reimburse the board

1 within that one year period for those unpaid costs.

2 (f) All costs recovered under this section shall be deposited in the  
3 Physical Therapy Fund as a reimbursement in either the fiscal year in which the  
4 costs are actually recovered or the previous fiscal year, as the board may direct.

5 7. Section 2620.7 of the Code states:

6 A physical therapist shall document his or her evaluation, goals, treatment plan,  
7 and summary of treatment in the patient record. Patient records shall be maintained for a period  
8 of no less than seven years following the discharge of the patient, except that the records of  
9 unemancipated minors shall be maintained at least one year after the minor has reached the age  
10  8 years, and not in any case less than seven years.

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12 CAUSE FOR DISCIPLINE  
(Gross Negligence)  
13 [Bus. & Prof. Code Section 2660 (h)]

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15 8. Respondent is subject to disciplinary action under section 2660 (h) of the  
16 Code in that Respondent=s treatment and care of patient Laura N.<sup>1</sup> constituted gross negligence.  
17 The circumstances are as follows:

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18 9. On or about March 18, 2002, patient Laura N. presented to Mangrove  
19 Physical Therapy Center on referral from her physician. The patient was diagnosed with  
20 intervertebral disc (IVD) syndrome and lumbar inflammation. On March 21, 2002, an initial  
21 evaluation on the patient was prepared by Kay Robison, M.S., PT of Mangrove Physical Therapy  
22 Center. This evaluation described the patient as presenting with IVD syndrome and lumbar  
23 inflammation, with significant limitations in her range of motion (ROM) of the lumbar spine. The  
24 record states that the patient has concurrent muscle guarding and is quite tender to the touch,  
25 particularly in the left S-1 joint area, and hypermobile in the lumbar spine. The evaluator noted a

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26 1. The patient=s full name will be provided in Discovery, but is abbreviated herein in  
27 order to maintain patient record confidentiality.

1 great deal of inflammation to the left S-1 joint. Thereafter, the patient was seen at the Center for a  
2 total of five visits. Her treatment consisted of pool, ultrasound, soft tissue and deep tissue  
3 mobilization, stretching and stabilization exercises to the lumbar spine, piriforms release (joint  
4 mobilization), and lumbar intermittent traction. On or about March 25, 2002, the patient was  
5 treated and reported shooting pains down her left leg into the buttocks and thigh. On or about  
6 March 27, 2002, the patient was assessed as being very tender in the left lumbar-sacral area.  
7 On or about March 29, 2002, the patient reported lower back pain.

8                   10. On or about April 1, 2002, patient Laura N. presented again for treatment of  
9 back pain. Up until this point the patient had been seen and treated by Physical Therapist Jay  
10 Cody Robison at the Mangrove Physical Therapy Center. On the date in question, however, Mr.  
11 Robison, was unavailable. As a result, Laura N. was seen and treated on that day by  
12 Respondent, Victoria Knopper, PT. Respondent palpated the patient's spine and advised her  
13 that her spine was aching. Respondent asked the patient whether she did stretches to help her  
14 back into place. The patient advised Respondent that she did not do such exercises. The  
15 patient explained that her back was in a very delicate condition and stated that even gentle  
16 adjustments to her back caused significant pain and swelling. Respondent then placed the  
17 patient in a supine position and asked the patient to breathe in deeply. When the patient exhaled,  
18 Respondent pushed on the patient's spine forcefully, with one hand over the other on the  
19 patient's spine. Respondent repeated the move several times. The patient advised Respondent  
20 that this treatment hurt terribly. Thereafter, Respondent instructed the patient to perform  
21 twisting exercises that caused further back pain. The patient complained of the pain, to which  
22 Respondent responded, "Since your back already hurts, we should do the exercises that are  
23 difficult and painful, to get them out of the way." Thereafter, the patient experienced severe,  
24 ongoing pain in her spinal area.

25 Respondent's recorded notes on patient Laura N., indicate that the patient had undergone  
26 piriforms, deep stimulation and joint mobilization, McKenzie on elbows exercises, and L/S

1 rotation stretches (twisting exercises) during the visit. Respondent reported that the patient had  
2 presented complaining of severe pain the last two (2) days and described the patient as  
3 Atarful, with pain flare up. Thereafter, on or about April 3, 2002, the patient reported that she  
4 was extremely sore following her last visit and was unable to exercise due to the pain, and had  
5 trouble sleeping due to pain in her lower back area.

6 11. Respondent's treatment and care of patient Laura N. was grossly  
7 negligent in that she failed to utilize the patient's recorded treatment history and to consider the  
8 patient's personal report of extreme sensitivity and inflammation in her lower back before  
9 performing forceful manipulation to the patient's lower back area, thereby causing the patient to  
10 undergo unnecessary pain, inflammation and/or further injury to her lower back relative to  
11 Respondent's treatment of same.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Physical Therapy Board of California issue a  
15 decision:

16 1. Revoking or suspending Physical Therapist License Number PT 11835,  
17 issued to Victoria Knopper, PT;

18 2. Ordering Victoria Knopper, PT to pay the Physical Therapy Board of  
19 California the reasonable costs of the investigation and enforcement of this case, pursuant to  
20 Business and Professions Code section 2661.5;

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: July 15, 2003

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25 \_\_\_\_\_Original signed by Steven K. Hartzell\_\_\_\_\_  
STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
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State of California  
Complainant

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\*\*\*DOJ docket number\*\*\*  
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